

**Evaluation Findings
for the
South Carolina Coastal Management Program
from
December 2000 through July 2004**

December 2005

Office of Ocean and Coastal Resource Management
National Ocean Service
National Oceanic and Atmospheric Administration
United States Department of Commerce



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EXECUTIVE SUMMARY

A. OVERVIEW

Section 312 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires NOAA's Office of Ocean and Coastal Resource Management (NOAA OCRM) to conduct periodic evaluations of state coastal management program implementation. This review examined how the State of South Carolina has implemented and enforced the South Carolina Coastal Management Program (SCCMP), addressed the coastal management needs addressed in section 303(2)(A) through (K) of the CZMA, and adhered to the terms and conditions of the NOAA financial assistance awards the SCCMP received between December 2000 through July, 2004.

B. ACCOMPLISHMENTS

The Evaluation Team documented a number of areas where the SCCMP improved its management of South Carolina's coastal resources. These include:

- 1. Council on Coastal Futures.** In November 2002 the Department of Health and Environmental Control Board appointed 19 individuals from many sectors of the South Carolina coastal community to the Council on Coastal Futures charged to consider views and comments of the public and present a report that "...documents priority issues and concerns related to coastal zone management..." and "...recommends actions, programs and measures to meet the goals and objectives of..." the Act and improves "...the effectiveness of the..." SCCMP. The final report of the Council, Setting a New Course for the Coast, was published on May 30, 2004.
- 2. Special Area Management Planning.** During this evaluation period, the SCCMP continued to make effective use of Special Area Management Plans (SAMPs) as a tool to support local governments, resolve planning issues, and generally engage diverse stakeholders in the management of South Carolina's coastal resources. Several SAMP initiatives were begun or completed during the reporting period: Beaufort County, Cooper River, Murrell's Inlet, and Georgetown (update).
- 3. Marsh Island Assessment.** To respond to issues surrounding marsh islands, OCRM decided that evaluation of this issue was needed to ascertain the extent of developable islands and whether standards were needed. A stakeholder group was established, comprised of various interest groups and SC OCRM won a competitive grant from the NOAA Coastal Services Center to help develop an inventory of the state's marsh islands and a decision-support tool to help assess the islands' development potential and suitability for development.

4. Support to Local Governments. SC OCRM continues to provide support to communities which include local government officials and by providing or hosting workshops where local governments are part of the target audience.

5. Relationships with the National Estuarine Research Reserves. There are two National Estuarine Research Reserves (NERR) in South Carolina and SC OCRM works closely with both to their mutual advantage. SC OCRM worked with North Inlet – Winyah Bay NERR to jointly produce the Stormwater Management Workshop for local government decisionmakers and provided support to the Murrells Inlet SAMP development. SC OCRM worked with ACE Basin NERR in the development of its coastal training program and in the conduct of decisionmaker workshops and on two specific projects: acquisition funding for public parking; and, construction funding for the improvement of flow at a causeway to the Visitor Center.

6. Work with Federal Agencies. A supportive and beneficial relationship exists between SC OCRM and Federal agencies and programs with mutual interests in South Carolina's coastal area. This includes the Sea Grant program, the NOAA Coastal Services Center (CSC), the U.S. Army Corps of Engineers (Corps) and the Fish and Wildlife Service (FWS). Notably, work with the CSC on marsh island assessment and bridging to islands has led to the development of a decision support tool to assess sites on development potential.

7. Stakeholder Involvement. During the course of the site visit, the team was impressed by the degree to which stakeholders were actively involved in all emergent elements of program development, participated in working groups where issues are fleshed out, and were recruited and drawn in to meaningful discourse on the resolution of often difficult issues.

C. SUMMARY OF RECOMMENDATIONS

In addition to the significant accomplishments described above, NOAA OCRM has identified areas where the program may be improved. These evaluation findings do not contain a recommendation which takes the form of a Necessary Action and is mandatory. Seven (7) recommendations take the form of Program Suggestions and are not mandatory.

Finding: Implement the Recommendations of the Council on Coastal Futures. The work of the Council on Coastal Futures represents a significant accomplishment of SCCMP implementation during this review period. It also represents a significant challenge to future implementation to address the issues presented in the report. In so doing, some hurdles need to be negotiated such as: establishing an appropriate strategy to follow-up on addressing the recommendations; identifying the funding mechanisms for implementation; and to what some refer to as refocusing attention to the coast.

1. PROGRAM SUGGESTION. SC OCRM is commended on the work of the Council on Coastal Futures report and it is recommended that the report be used to

guide SCCMP activities in the near and long term. In so doing, it is suggested that an oversight body be created to assure that the work anticipated by the report is carried forth. As a part of this a review of the permit review and issuance process to more adequately reflect what is actually being permitted should be carried out. It is suggested that on conditional and modified projects a letter should be sent to the applicant to require the modification of the permit application to reflect the change before there is approval of the permit. The use of mediation as a mechanism to resolve permit disputes and appeals is supported.

Finding: Docks. The management of dock development continues to be a challenge for SC OCRM. SC OCRM's permit load has been steadily increasing, up to 700-800 dock permits per year. Current regulations allow docks to be built every 75 feet and to lengths of up to 1,000 feet, including over marshes. Docks are often built by the developers to boost property value before it is even determined that there is a homeowner with a need for a dock.

2. PROGRAM SUGGESTION. The SCCMP should conduct an assessment of current regulations, guidelines, and permitting practices related to the installation of docks in State coastal waters. Development practices should also be a part of this review. Concurrently, a body of stakeholders should be assembled to develop an understanding of the issues surrounding private docks and to develop mechanisms to deal with the environmental consequences of the existing regulations.

Finding: Freshwater Wetlands. Like many states in the Southeast, South Carolina is contending with the impact of the 2001 "SWANCC" decision which overturned the Army Corps' assertion of federal jurisdiction over certain isolated wetlands based on the presence of migratory birds. This has left many freshwater wetlands without protection, particularly in any state where freshwater legislation does not exist, including South Carolina.

3. PROGRAM SUGGESTION. SC OCRM is encouraged to assess the impact of the loss of Federal jurisdiction over isolated wetlands in South Carolina, develop appropriate materials to educate the public regarding the issue, and develop appropriate freshwater wetland legislation for the consideration of the Governor and Legislature.

Finding: Bridges to Islands. Over the evaluation period SC OCRM has received a number of permit requests to build on so-called "marsh islands," which are elevated (i.e., dry) landforms that are wholly surrounded by tidal marsh. A bridge or causeway is usually required to access them. Such developments are controversial, and existing regulations do not provide a lot of guidance regarding ownership and whether development on marsh islands is permitted and/or under what circumstances.

4. PROGRAM SUGGESTION. SC OCRM is encouraged to continue to address the issues surrounding the development of marsh islands.

Finding: Outreach and Public Involvement. Currently there are two levels of challenge in outreach and public involvement. On one hand a great deal of education and outreach needs to be directed to the emerging issues affecting the coastal area and to why the issues must be faced directly. This would include the issues surrounding access to the water, bridges, marinas, small islands, and the like. On the other hand, many feel that the “local system is broken.” This may be due in part to an unfortunate interaction with the local government development approval process, and on, perhaps, not having a full understanding of how the system works and how an individual or group can get involved. One element of this is current State law and the permit appeal process which tends to limit public involvement of the individual through group representation and through representative spokespersons.

5. PROGRAM SUGGESTION. SC OCRM is encouraged to develop a strategy to expand information and outreach on SCCMP programs, practices, issues and opportunities. In so doing, the Council on Coastal Futures report should be one of the foundation documents of the strategy.

Finding: Developing a Stronger Technical Assistance Function. One of the central recommendations of the Council on Coastal Futures dealt with the provision of assistance to local governments, recognizing the need for SC OCRM to become a “center of technical expertise for local governments.” This need was articulated to the review team on a number of occasions, with proponents citing the SAMP process, GIS capabilities and needs, and to support local enforcement of permits as ways in which local governments could use support. Further, there was concern about the loss of institutional knowledge as current staff retires from service.

6. PROGRAM SUGGESTION. SC OCRM should assess staffing needs to allocate support where necessary and assure full staffing to meet emerging information technology requirements in the regional offices as well as Charleston. Steps should be taken to assure coordination of project reviews within DHEC and with Federal and local partners where appropriate. A strategy to assure that institutional knowledge is not lost should be developed.

I. INTRODUCTION

Section 312 of the Coastal Zone Management Act (CZMA) of 1972, as amended, requires NOAA's Office of Ocean and Coastal Resource Management (NOAA OCRM) to conduct a continuing review of the performance of States and Territories with Federally approved Coastal Management Programs. This document sets forth the evaluation findings of the Director of NOAA OCRM with respect to the South Carolina Coastal Management Program (SCCMP) for the period from December 2000 through July 2004. This document includes an Executive Summary, Program Review Procedures, Accomplishments, Review Findings and Recommendations, and a Conclusion.

The recommendations made by this evaluation appear in **bold** type and follow the section of the findings in which the facts relative to the recommendation are discussed. The recommendations may be of two types:

(1) **Necessary Actions** address programmatic requirements of the CZMA regulations and of the SCCMP approved by NOAA, and must be carried out by the date(s) specified. **There are no Necessary Actions within this document.**

(2) **Program Suggestions** denote actions which NOAA OCRM believes would improve the management and operations of the Program, but which are not mandatory at this time.

If no specific dates are given for carrying out a Program Suggestion or a Necessary Action, the State is expected to have successfully implemented the Necessary Action or Program Suggestion by the time of the next section 312 evaluation. The findings contained within this document will be considered by NOAA in making future financial assistance award decisions relative to the South Carolina Management Program.

II. PROGRAM REVIEW PROCEDURES

The NOAA Office of Ocean and Coastal Resource Management (NOAA OCRM) evaluation staff began review of the SCCMP in April 2004. This included an analysis of the approved SCCMP, previous and current award documents and performance reports, previous evaluation findings, correspondence relating to the SCCMP, and other relevant information. The NOAA OCRM National Policy and Evaluation Division (NPED) and the Coastal Programs Division (CPD) staff coordinated to determine the issues which would become the main focus of the evaluation. The Evaluation Team analyzed the State's responses to these specific issues and used them as primary sources of information on the SCCMP's operation.

The Evaluation Team gave special emphasis to the following issues:

- * The effectiveness of the Department of Health and Environmental Control (DHEC) in monitoring and enforcing the core authorities which form the legal basis of the SCCMP;
- * Implementation of Federal consistency by DHEC;
- * Effectiveness of the local grant assistance programs in enabling coastal communities to forward the goals of the SCCMP;
- * Public and local participation and outreach efforts;
- * Status of regional interagency coordination, the National Estuarine Research Reserve Programs; and,
- * Changes to core statutory and regulatory provisions of the SCCMP.

John H. McLeod, Evaluation Team Leader, NPED; Elisabeth Morgan, Coastal Management Specialist, CPD and Robin Lacey, of the Massachusetts Coastal Management Program, conducted a site visit from July 19 through 23, 2004. The Evaluation Site Visit Team met with representatives of State and local governments, Federal agencies, interest group representatives, and private citizens during the site visit.

A Public Meeting was held on July 19, 2004, at 5:00 p.m. at the DHEC Office of Coastal Resource Management, 1362 McMillan Avenue, 3rd Floor Conference Room, North Charleston, South Carolina. (**Appendix A** lists persons contacted in connection with the evaluation; **Appendix B** lists persons who attended the Public Meeting; **Appendix C** contains NOAA's response to written comments received.)

The SCCMP staff was instrumental in setting up meetings and arranging logistics for the evaluation site visit. Their support is gratefully acknowledged.

III. PROGRAM ACCOMPLISHMENTS

The true strength of any program lies in its supporting staff and South Carolina is fortunate in this regard. It is through their efforts that the significant accomplishments documented here came to fruition. During the period of time covered by this evaluation, December 2000 through July 2004, the South Carolina Coastal Management Program has addressed many coastal issues. The results detailed below would not have occurred without committed leadership and staff. Ultimately, the actions of SCCMP personnel led to the specific accomplishments detailed below.

A) Council on Coastal Futures.

In November 2002 the DHEC Board appointed 19 individuals from many sectors of the South Carolina coastal community to the Council on Coastal Futures charged to consider views and comments of the public and present a report that "...documents priority issues and concerns related to coastal zone management..." and "...recommends actions, programs and measures to meet the goals and objectives of..." the Act and improves "...the effectiveness of the..." SCCMP. The Council employed a very public process and conducted all business in well attended meetings open to the public. The final report of the Council, Setting a New Course for the Coast, was published on May 30, 2004.

The Council conducted three separate assessments between July 2002 and January 2003, which surveyed stakeholders representing a broad range of interests, those with particular knowledge of the coastal program and the general public to provide a starting point for deliberations. This established consensus on three priority issues: the need for growth management, particularly to assist local governments and coastal communities; the need for wetland and other habitat protection and management; and, the need for water quality and stormwater management. Coupled with the assessments was a study by SC OCRM and the Sea Grant Consortium on the contribution of the coast to the South Carolina economy. Key findings of the report indicated for the period of 1990 to 2000, the eight coastal counties: had 28% population growth; had \$40 billion in total economic output in 2000 (22% of the State total); provided 25% of all State employment growth; provided 35% of all new private sector jobs in the State; and, provided 25% of new jobs in fast growth industries.

Included with the Council's recommendations are suggested time-lines for implementation with short term (within 12 months), mid-term (12 to 24 months) and long-term (more than 24 months) periods. Highest priorities of the Council are: implement a mandatory mediation process for appeals; improve coordination within DHEC for coastal regulatory processes; build capacity within DHEC- SC OCRM to serve as a center of expertise and to provide technical assistance to local governments on coastal resource and environmental planning issues; provide guidance for managing and protecting freshwater wetlands; improve local and state stormwater management;

maintain and enhance the quality of coastal beaches, waters and habitats and public access to them; and, improve decisionmaking by accessing and applying the best available scientific information. Within this context 18 recommendations were made related to the regulatory processes (5), assistance to local governments (3), and coastal resource management issues (10).

B) Special Area Management Planning.

During this evaluation period, the SCCMP continued to make effective use of Special Area Management Plans (SAMPs) as a tool to support local governments, resolve planning issues, and generally engage diverse stakeholders in the management of South Carolina's coastal resources. Past initiatives have been so successful that other communities are hearing of them and then actively seeking out the assistance of SC OCRM's planning division to pursue a SAMP initiative for their area. Many individuals interviewed by the evaluation team spoke highly of the SAMP efforts and supported their continuation.

Several SAMP initiatives were begun or completed during the reporting period: Beaufort County, Cooper River, Murrell's Inlet, and Georgetown (update). While some of these efforts received CZMA funding (in addition to staff time), the SCCMP has also been very successful in lobbying their Congressional delegation to receive separate funds (i.e., earmarks) dedicated solely to specific SAMP initiatives.

1. Beaufort County.

This SAMP was completed during the evaluation period. The initial driver for this SAMP was concern about the closure of area shellfish beds due to bacterial contamination and the fear that additional areas would be closed. Protecting water quality was a principal goal of the SAMP, with stormwater management and wastewater management receiving particular attention. Example projects conducted by the SAMP workgroup during the process included a workshop on riparian buffers to ascertain if there was scientific consensus on the necessary width required to make them effective and bacterial source identification work. The workshop concluded that septic tanks were the likely cause of problems in that area. A variety of actions were recommended to implement the plan, including the establishment of a county stormwater utility for the region, and the development of a comprehensive program to manage on-site disposal systems (i.e., septic tanks). Implementation is on-going.

2. Cooper River.

This SAMP was begun during the evaluation period. Its generation was the mediation of a dispute between Berkeley County and the State Historic Preservation Office involving the latter's desire to establish a historic district in the County. The effort will address a broad suite of issues, including recreation, riparian buffers, water quality, and habitat protection. SC OCRM has hired a facilitator to work with the stakeholders group. This effort even involves some federal partners, including the US Fish and Wildlife Service.

One specific management issue (for this SAMP and elsewhere in the State) is what to do with historic rice fields, by either:

- rediking them to maintain them as wildlife habitat and to provide recreation opportunities (hunting); or
- allowing historic water levels and salinity regimes to be re-established, this would cause the fields to revert to their natural state as cypress swamp. This could cause problems for local industry that rely on the Cooper River as a freshwater supply.

Existing rice fields also have problems with exotic species, which contribute to high BOD and low DO, but at the same time provide good habitat for wading birds. Rice field management is a very controversial issue and is likely to challenge SC OCRM and other state agencies in terms of coming to an agreement.

3. *Murrells Inlet.*

This SAMP was begun during the evaluation period. The main issue is protection of water quality in the Inlet embayment, which is a highly urbanized tidal estuary within the counties of Horry and Georgetown. “Murrells Inlet 2007” was originally formed in 1997, and contacted OCRM after hearing about the Beaufort County SAMP in 2001. It has developed into an elaborate SAMP process, with 100 people involved and a private nonprofit organization formed to support the effort with an executive board, executive secretary and office. Like Beaufort, protecting oyster beds is a key driver, although in this case bacterial source identification work found that pet waste was the major contributor of contaminants. Stormwater management is also likely to be a focus. A couple of small projects are in progress, including a marsh education boardwalk, and some stormwater BMP demonstrations.

The evaluation team supports SC OCRM’s continued use of SAMPs as a planning tool; the approach is consistent with the Council on Coastal Future’s recommendation that SC OCRM provide increased technical support to local governments and become a central point of knowledge for coastal planning.

C) **Marsh Island Assessment.**

To respond to issues surrounding marsh islands (See the discussion under V. Review Findings and Recommendations, D. Bridges to Islands.) SC OCRM decided that evaluation of this issue was needed to ascertain the extent of developable islands and whether standards were needed. A stakeholder group was established, comprised of various interest groups. SC OCRM also won a competitive grant from the NOAA Coastal Services Center to help develop an inventory of the state’s marsh islands and a decision-support tool to help assess the islands’ development potential and suitability for development. The inventory determined that the State has 4,524 marsh islands. Of those, 948 are already in a protected status. The remaining 3,576 theoretically could be permitted for development and were studied further. The decision support tool was created to assess development potential by considering criteria such as: the size of the

island, the distance to nearest upland and urban area, whether a bridge has already been constructed, and whether there is a freshwater supply on the island. The island's suitability for development would be evaluated in terms of the likelihood to cause impacts to sensitive resources and would be based on factors such as presence and size of: freshwater wetlands, isolated wetlands, and open water ponds; the presence of shellfish grounds within 0.5 miles as well as their use classification; and the presence of protected lands within 2 miles. The decision support tool is currently being beta-tested and should be complete soon. It is unclear whether the marsh island workgroup will come to a clear agreement on policies, but the decision support tool should be extremely helpful to SC OCRM as it goes forward.

D) Support to Local Governments.

SC OCRM provides direct technical assistance to counties, towns and communities beyond the SAMP efforts discussed above. The South Carolina Comprehensive Planning Act requires local communities that have zoning requirements to develop and periodically update comprehensive plans. The South Carolina Stormwater and Sediment Reduction Act allows delegation of the authority to issue stormwater permits for land disturbance activities, though none in the coastal zone have availed themselves of this option. SC OCRM continues to provide support to communities through staff support of committees which include local government officials and by providing or hosting workshops where local governments are part of the target audience.

An example of direct assistance is the project which supported a water quality study in the Town of Bluffton on the May River abutting lands recently annexed and subject to upcoming development. This led to the Town expanding Beaufort County's existing land disturbance setback of 50' to a 150' setback at the River headwaters and to 100' for the remainder of lands adjacent to the River.

E) Relationships with the National Estuarine Research Reserves.

There are two National Estuarine Research Reserves (NERR) in South Carolina and SC OCRM works closely with both to their mutual advantage. The North Inlet – Winyah Bay (NI-WB) NERR, managed under the University of South Carolina, Baruch Marine Field Laboratory features a pristine system - the North Inlet, coupled with Winyah Bay - an estuary with the third largest watershed on the east coast that is greatly influenced by human activity. The ACE Basin (ACEB) NERR, managed under the South Carolina Department of Natural Resources, is one of the largest undeveloped estuaries on the east coast and is named for the Ashepoo, Combahee and Edisto Rivers

SC OCRM worked with NI-WB NERR to jointly produce the Stormwater Management Workshop for local government decision makers. NI-WB NERR also provided support to the Murrells Inlet SAMP development. SC OCRM has worked with ACEB NERR in the development of its coastal training program, in the conduct of decision maker workshops and in the development of the Beaufort SAMP. Two specific projects have also been undertaken with

ACEB NERR: acquisition funding for public parking; and, construction funding for the improvement of flow at a causeway to the Visitor Center.

Public parking at the ACEB NERR around the research field station, a principal spot for access to the water for the local community was severely restricted with the construction of the facility. Using Coastal Access Improvement Program funds derived from permit fees from SC OCRM, funding was provided to the Reserve to acquire a plot to allow for expanded Community parking. Since the Reserve would be the beneficiary of the parking area during non-high use times, the Reserve worked with the community to secure the grant and to provide the community with the property ownership. At the ACE Basin NERR Visitors Center, a site visited by up to 400,000 people per year, access is over a causeway, which has affected the environmental balance of the area. Salinity regime changes due to the limitation of water flow under the causeway have resulted in changes to flora and exaggerated siltation. SC OCRM is working with SCDNR on a joint project to improve the overall flow of waters under the causeway.

F) Work with Federal Agencies.

A supportive and beneficial relationship exists between SC OCRM and Federal agencies and programs with mutual interests in South Carolina's coastal area. This includes the Sea Grant program, the NOAA Coastal Services Center (CSC), the U.S. Army Corps of Engineers (Corps) and the Fish and Wildlife Service (FWS). Notably, work with the CSC on marsh island assessment and bridging to islands has led to the development of a decision support tool to assess sites on development potential.

An example of a significant effort between SC OCRM and Federal agencies carried out during the review period deals with marshland assessment and bridging to small islands. Working with the NOAA CSC a South Carolina Marsh Islands Stakeholder Working Group was formed to address issues of potential development of marsh islands. First data was developed to define the problem: 1] the number and size of marsh islands currently intersected by bridges (554); 2] the number and size of islands already in a protected state (948); and, the number, size and distance from the mainland of all remaining islands. Using this data, the CSC developed a Marsh Island Decision Support Tool, which assessed sites on the grounds of Development Potential (Island Size, Distance to Closest Upland, Distance to Urban Area, Bridges Within, Other Islands Within, and Waterway Within) and Impacts to Adjacent Resources (Freshwater Wetlands and Area, Isolated Wetlands and Area, Open Water Ponds, Shellfish Grounds Within 0.5 Miles, Shellfish Use Classification, and Protected Lands Within 2 Miles). The problem remains that the regulations are ambiguous in that the definition of public need is not defined. CSC also supported SC OCRM efforts in the development of SAMPS and enjoys an ongoing working relationship in a number of other areas.

The Corps appreciates its positive ongoing relationship with SC OCRM and DHEC, noting that where problems exist, it is assuming a major role in their resolution. The Corps noted that problems such as lack of enforcement and consistency in enforcement, and in wetland

delineation are under review and changes will "...be occurring soon."¹ FWS comments were similar to that of the Corps where issues lie not with SC OCRM, but with Federal partners. FWS worked with SC OCRM and CSC on the isolated wetland study, the decision support tool and on SAMP development. South Carolina Sea Grant is also working closely with SC OCRM in SAMP development and the two are developing a memorandum of understanding to guide their interaction on a number of supportive projects.

G) Stakeholder Involvement.

During the course of the site visit, the team was impressed by the degree to which stakeholders were actively involved in all emergent elements of program development, participated in working groups where issues are fleshed out, and were recruited and drawn in to meaningful discourse on the resolution of often difficult issues. The accomplishments above attest to the processes involved but do not adequately identify the degree to which all with an interest in a project, issue or concern participate equally. All Federal agencies interviewed noted that a definite strength of the SC OCRM is in getting all interested individuals and groups involved in an issue to participate in discussions and in problem solving, where difficult issues of land use, protection and preservation were concerned.

A primary example of this is the Council on Coastal Futures, a detailed look at where the SCCMP is and where it should go. Meetings were held throughout the coastal area and many were involved in providing input into the process. The Mayor of one community noted how this "...was a courageous thing to do, to take a critical look at what you are doing..." and seek to change the way things are being done through a process of public input and involvement. Likewise, the various SAMP efforts were cited as examples of having those who have standing, an interest, or a concern become involved in the process so that all issues are brought forward and moved toward resolution.

The marsh islands work in data development, development of a decisionmaking tool, and the involvement of the public provides another example of having those who have a concern participate in addressing ways of dealing with that concern or set of issues. While some issues may not be resolved, and while it may take legislative action to deal with certain other issues, there is no hesitation to entertain discussion of and communication on the elements of an issue. In this manner, the development interest works with the preservation interest for the best use of the resource. It is noteworthy that, as the evaluation team was conducting an exit discussion with SC OCRM, other SC OCRM staff were participating in the formation of a group to address the development of finger piers within State waterways, another contentious issue.

¹ Conversation with U.S. Army Corps of Engineers personnel in formal meetings related to the evaluation of the South Carolina Coastal Management Program, Monday, July 19, 2004.

IV. REVIEW FINDINGS AND RECOMMENDATIONS

The Office of Ocean and Coastal Resource Management (OCRM) finds that the SCCMP is adhering to its approved coastal management program; implementing and enforcing the SCCMP in a satisfactory manner; and adhering to the programmatic terms of the NOAA financial assistance awards. The State continues to address national coastal management needs identified in CZMA Section 303 (2) (A) through (K). The previous evaluation of South Carolina's performance in implementing the SCCMP resulted in five (5) program suggestions. (See Appendix D for a discussion of each finding, recommendation, and response and for reference to the response within this document where appropriate.)

A) Implement the Recommendations of the Council on Coastal Futures.

The work of the Council on Coastal Futures represents a significant accomplishment of SCCMP implementation during this review period. It also represents a significant challenge to future implementation to address the issues presented in the report. In so doing, some hurdles need to be negotiated from establishing an appropriate strategy to follow-up on addressing the recommendations of the Council, to identifying the funding mechanisms for implementation (beach renourishment alone would cost around \$20.5 million to carry out). Coupled with the report some noted that over the years there has been an erosion of program focus, and that it was time to refocus attention to the coast.

To a certain extent the Council's work has addressed some of the issues of the previous evaluation findings (See Appendix D.), but the extent to which existing and emerging issues are addressed indicates that a great deal of work lies ahead. First is the need for a commitment by the State to address the issues identified within the report. This will take funding and a will to actively engage the recommendations at the highest level of the State and in DHEC. It is noted that there has been no new State funding to the SCCMP since the 1995 incorporation within DHEC. Approximately one-third of the State funding of the program of 10 years ago has been lost. Concurrently the personnel to implement the program have been reduced by 20%. In the last three years program support staff have gone from 45 to 37 people. It is recognized that recently 4 positions have been filled: a public information director (a position which has been unfilled for over 2 years); a new GIS person; a new IT person; and, a new administrative person. Demonstration of commitment to SCCMP implementation should move beyond the expression of ongoing interest in the Program; funding needs to be allocated to meet the arising challenges. In concert with funding, DHEC must engage some body or group to monitor and support the recommendations for the longer term. It was suggested that an independent, appointed advisory group be established as the vehicle to carry out education, updating and implementation of the plan.

With appropriate leadership and shared commitment persistent issues may be alleviated and emerging issues addressed. One ongoing issue that is addressed in the Council report is the inconsistencies in DHEC and SC OCRM regulations, despite an incorporation that is close to 10 years old. This exacerbates the problem of permit processing and handling, particularly of 401

certifications where it is reputed to take 6 to 8 months to obtain a certification from DHEC. As the permit processes are addressed, it would be timely to also address issues of inconsistencies in the process and how it is managed. One respondent to the evaluation noted that there is, as a rule, no decision document on an approval and on conditional or modified project approvals, recommending that “on conditional and modified projects a letter should be sent to the applicant to require the modification of the permit application to reflect the change before there is approval of the permit (with conditions).” Likewise, public meetings and what they mean to the process, particularly as it relates to follow-up in responding to the public input and how staff addresses public hearing comments may also be addressed.

PROGRAM SUGGESTION

1) SC OCRM is commended on the work of the Council on Coastal Futures report and it is recommended that the report be used to guide SCCMP activities in the near and long term. In so doing, it is suggested that an oversight body be created to assure that the work anticipated by the report is carried forth. As a part of this a review of the permit review and issuance process to more adequately reflect what is actually being permitted should be carried out. It is suggested that on conditional and modified projects a letter should be sent to the applicant to require the modification of the permit application to reflect the change before there is approval of the permit. The use of mediation as a mechanism to resolve permit disputes and appeals is supported.

SCDHEC - OCRM Response: SCDHEC-OCRM has since used mediation in several cases that were under appeal with a great deal of success. There appears to be an interest by all parties to resolve disputes in a manner where they, the parties, are crafting the solutions in a timely manner. SCDHEC-OCRM intends to continue to be open to mediation in future appeals. In addition progress continues to be made on other Council on Coastal Futures initiatives.

B) Docks.

The management of dock development continues to be a challenge for SC OCRM. SC OCRM’s permit load has been steadily increasing, up to 700-800 dock permits per year. Current regulations allow docks to be built every 75 feet and to lengths of up to 1,000 feet, including over marshes. Docks are often built by the developers to boost property value before it is even determined that there is a homeowner with a need for a dock, leading some to suggest that only residents should be allowed to apply for a dock permit. The regulations also mandate master planning for docks when a housing development is proposed, and since the last evaluation SC OCRM has been able to encourage some community docks in lieu of individual docks, but it is unclear if either approach works as intended. The community docks are getting larger and more elaborate, often morphing into a marina-like facility, but built in such a way as to avoid triggering that designation (size of dock and presence of support facilities) and the attendant regulations.

Citizen feeling on the issue varies, with some people feeling like anyone should have the right to build a dock, while others think the regulations are too permissive. Some in the latter category only feel that way subsequent to being allowed to build their own dock. There is also a lot of concern that dock construction is impacting shellfish and fishery production, because docks are built into or adjacent to shellfish beds and sea grass habitat. With the growth in individuals participating in commercial shellfish operations because other fisheries have declined, this industry needs to be protected from the impacts of docks. There is some evidence that SC OCRM has not done an adequate job in notifying holders of shellfish leases of applications for dock permits as is required, or in addressing illegally-constructed docks (they are permitted after the fact instead of being removed). This has led to docks being permitted into or immediately adjacent to shellfish leases. These actions have a clear economic impact to the leaseholder.

Generally, there appears to be sufficient support for SC OCRM revisiting their policies and regulations for docks. This includes whether or not there should be submerged land leasing for docks, currently people who build on submerged lands only have to pay a one-time permit fee. A new workgroup has been established for this issue, and drafting new regulations will be a task. One element will relate to dock master planning to control growth to maximum build out. Dock master planning for all coastal, estuarine, and riverine development might be appropriate.

PROGRAM SUGGESTION

2) The SCCMP should conduct an assessment of current regulations, guidelines, and permitting practices related to the installation of docks in State coastal waters. Development practices should also be a part of this review. Concurrently, a body of stakeholders should be assembled to develop an understanding of the issues surrounding private docks and to develop mechanisms to deal with the environmental consequences of the existing regulations.

SCDHEC - OCRM Response: SCDHEC-OCRM has moved forward with changes in the critical area regulations that govern dock permitting in the critical areas of the coastal zone. The process included several meetings of interested parties along with a self-conducted public hearing as well as a hearing before the SCDHEC Board. Some of the changes of note address the use of community docks in lieu of private single-family docks, therefore reducing the overall number of docks in tidal creeks. Also the size of community docks and marinas has been further addressed by recent regulation change.

C) Freshwater Wetlands.

Like many states in the Southeast, South Carolina is contending with the impact of the 2001 “SWANCC” decision which overturned the Army Corps’ assertion of federal jurisdiction over certain isolated wetlands based on the presence of migratory birds. This has left many

freshwater wetlands without protection, particularly in any state where freshwater legislation does not exist, including South Carolina. Legislation has been introduced several times and did pass in the House, but was not ultimately successful. OCRM has been using other legal authorities, notably their stormwater permit process, to assert some jurisdiction over freshwater wetlands, but this is questionable and does not always result in protection for the wetlands.

There is a further problem with freshwater wetlands that are protected through permits not remaining in their protected state. For example, situations where some wetlands are set aside to mitigate for wetland fill. At a later point, the developer comes back in with a proposal to fill the mitigation site, even though it is supposed to be protected. This some times gets approved, with other mitigation proposed. In other cases, developers fill some tidal wetlands such that the remaining acreage becomes isolated, and then they seek to develop them because they claim the wetlands are no longer protected. Many SC OCRM permits allow fill with mitigation, but without good follow up on the permits, such as to ensure it was complied with or to see if a legitimate conservation easement was properly recorded and cannot be undone (such as by a mortgage), this method is unlikely to be fully successful.

Opinions on DHEC's management of freshwater wetlands varied, with some stating that a bill is desperately needed while the regulated community thinks DHEC is substantially overstepping its bounds. It is likely DHEC will continue to seek to develop legislation. There is a need for support and education regarding the ramifications of the issue.

PROGRAM SUGGESTION

3) SC OCRM is encouraged to assess the impact of the loss of Federal jurisdiction over isolated wetlands in South Carolina, develop appropriate materials to educate the public regarding the issue, and develop appropriate freshwater wetland legislation for the consideration of the Governor and Legislature.

SCDHEC - OCRM Response: In the fall of 2004 SCDHEC conducted stakeholder meetings throughout the State to receive input on this issue. The purpose of these meetings was to gather information and opinions that could be provided to parties outside the agency for use in crafting legislation. A wide range of participants representing diverse perspectives shared views at these meetings. There appeared to be support for some State initiated freshwater wetlands legislation. Outside parties were also working with Legislators to introduce a wetlands bill. To date no bill has been proposed.

D) Bridges to Islands.

Over the evaluation period SC OCRM has received a number of permit requests to build on so-called "marsh islands," which are elevated (i.e., dry) landforms that are wholly surrounded by tidal marsh. A bridge or causeway is usually required to access them. Such developments are

controversial, and existing regulations do not provide a lot of guidance regarding ownership and whether development on marsh islands is permitted and/or under what circumstances. During the evaluation period SC OCRM received an opinion from the S.C. Attorney General regarding the permitting of bridges to marsh islands. Based upon a State Supreme Court decision involving the demonstration of a chain of ownership to a King's Grant of the early 1990's, the opinion would require applicants to demonstrate an ownership chain originating from a King's Grant to be eligible to receive a permit involving marsh islands. This decision was seen as far reaching and could dramatically slow permitting process times for roughly 65% to 70% of all applications. SC OCRM is still working with the Attorney General on the issue. Further, there is a "standard" that there must be a public need to allow a marsh island to be developed, but public need is not defined. It has been interpreted as the presence of a public facility, such as a firehouse. Some people interviewed felt that a definition of public need would be sufficient to resolve the issue.

PROGRAM SUGGESTION

4) SC OCRM is encouraged to continue to address the issues surrounding the development of marsh islands.

SCDHEC - OCRM Response: SCDHEC-OCRM has undertaken a major effort to address this issue. Prior to the 2004 evaluation site visit, a stakeholder group was convened but the group could not reach consensus. A new stakeholder group was convened in 2005 and progress is being made towards crafting a set of recommendations that would be sent to the SCDHEC Board prior to the legislative session beginning in January 2006.

E) Outreach and Public Involvement.

Currently there are two levels of challenge in outreach and public involvement. On one hand a great deal of education and outreach needs to be directed to the emerging issues affecting the coastal area and to why the issues must be faced directly. This would include the issues surrounding access to the water, bridges, marinas, small islands, and the like. On the other hand, many feel that the "local system is broken." This may be due in part to an unfortunate interaction with the local government development approval process, where a group lost, and on, perhaps, not having a full understanding of how the system works and how an individual or group can get involved. One element of this is legal requirements which tend to limit public involvement of the individual through group representation and through representative spokespersons.

It was recognized above that there is an active recruitment of an outreach person for the SCCMP. The new position will develop a strategic plan for outreach. Any such planning needs to focus on the issues of the Council on Coastal Futures as a starting point and should include a review of activities carried out by other coastal programs. Coupled with this should be an advanced planning function to address future needs and emerging issues and of the long term implications of current decisionmaking. As such there also needs to be a creative and visionary approach in a planning framework, with thinking directed to the long term as it is articulated and

framed within the law. To do this in any meaningful manner will require the development of a strong public outreach and education program for stakeholders and all citizens of the State.

PROGRAM SUGGESTION

5) SC OCRM is encouraged to develop a strategy to expand information and outreach on SCCMP programs, practices, issues and opportunities. In so doing, the Council on Coastal Futures report should be one of the foundation documents of the strategy.

SCDHEC - OCRM Response: Addressing emerging issues affecting the coastal area and interacting with local governments is a major goal SCDHEC-OCRMs is committed to.

F) Developing a Stronger Technical Assistance Function.

One of the central recommendations of the Council on Coastal Futures dealt with the provision of assistance to local governments, recognizing the need for SC OCRM to become a “center of technical expertise for local governments.” This need was articulated to the review team on a number of occasions, with proponents citing the SAMP process, GIS capabilities and needs, and to support local enforcement of permits as ways in which local governments could use support. Further, there was concern about the loss of institutional knowledge as current staff retires from service. Specifically the Council report recommends:

Build capacity at DHEC-OCRMs to be a center of technical expertise for local governments on beachfront management, stormwater management, wetland management, and other coastal natural resource issues. This expertise should be provided via increased personal interactions with local government staff, through maintenance of a web-based clearinghouse, and through technical workshops.

There are over 60 local governments in the 8 coastal counties who have varying capabilities in the use of GIS technology. All rely on SC OCRM for data and support, even as SC OCRM is evolving its capabilities in information technology. With the delegation of stormwater permitting to the local level there will be an even higher need for State support and, in the beginning, more State involvement as the localities take over the process.

SC OCRM will lose 6 to 8 senior staff people in the next 18 to 24 months. These individuals have been with the program for a long time and retain institutional knowledge of how the SCCMP developed to its current point. While this is both an opportunity for growth and new ideas it is also a loss of organizational underpinning with a concurrent loss of data. Planning is needed to address what will be potentially lost and how this information can be retained or replaced.

PROGRAM SUGGESTION

6) SC OCRM should assess staffing needs to allocate support where necessary and assure full staffing to meet emerging information technology requirements in the regional offices as well as Charleston. Steps should be taken to assure coordination of project reviews within DHEC and with Federal and local partners where appropriate. A strategy to assure that institutional knowledge is not lost should be developed.

SCDHEC - OCRM Response: SCDHEC-OCRM is constantly evaluating trends in permitting and certification activities in order to address emerging issues as well as staff workloads. SCDHEC-OCRM recently increased its information technology staff and plans to employ another IT person in the near future.

G) Charleston Port Authority.

The Charleston Port Authority has switched to containerization resulting in the maximal use of their existing facilities. They are now focusing on the development of the old Navy Base for expanded facilities. Their basic focus is strictly on the Port development and does not address ancillary uses such as the transport of laded goods by truck or rail, or on the impact of the expansion to the surrounding community. The Port Authority is also working with the Charleston Area Transportation Study (CHATS), a subset of the Area Council of Governments (COG), on the development of the expanded Port. CHATS will focus on the development of transportation alternatives for the expansion. However, they are not planning rail transportation, though they can get to the Cooper Yard, which is just outside the expansion footprint. In all of this, timing is key; the Port Authority anticipates that it will get its permit by 2006, it will take 3 years to consolidate (2009) and 2 years to construct (2011/12). This allows time for the transportation elements to be entered into the State transportation process, but the timing is close and there can be no delays along the planning and permitting pathways.

V. CONCLUSION

Based on OCRM's review of the federally approved South Carolina Coastal Management Program and the criteria at 15 CFR 928.5(a)(3), I find that South Carolina is adhering to its federally approved coastal management program. Further advances in coastal management implementation will occur as the State addresses the program suggestions contained herein.

These evaluation findings contain six (6) recommendations which are program suggestions that the State should address before the next regularly scheduled program evaluation and which are not mandatory at this time.

This is a programmatic evaluation of the SCCMP that may have implications regarding the State's financial assistance award(s). However, it does not make any judgments on, or replace any financial audit(s) related to, the allocability of any costs incurred.

Date

Eldon Hout, Director

**South Carolina Coastal Program
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PERSONS CONTACTED DURING THE EVALUATION

Department of Health and Environmental Control:

Earl Hunter	Commissioner, Department of Health and Environmental Control (DHEC)
Elizabeth Haygood	Chairman, DHEC Board
Chris Brooks	Deputy Commissioner, Office of Coastal Resource Management (OCRM)
Steve Snyder	Deputy Director, OCRM
Barbara Neale	Assistant Director of Regulatory Division, OCRM
Debra Hernandez	Director of Program and Policy Development, OCRM
Steve Moore	Director of Coastal Planning Division, OCRM
Richard Chinnis	Director of Regulatory Division, OCRM
Rockey Browder	OCRM Regional Permit Administrator, Beaufort Office
Bill Kregloe	OCRM Acting Regional Permit Administrator, Myrtle Beach Office

Others:

Tina Hadden	U.S. Army Corps of Engineers
Jason Ayers	U.S. Fish and Wildlife Service
Margaret Davidson	Director, Coastal Services Center
Geoff Scott	National Ocean Service, National Coastal Ocean Survey
Rick DeVoe	Sea Grant
Joe Bryant	S.C Port Authority
Dana Beech	Coastal Conservation League
Mike McKenzie	Director, ACE Basin National Estuarine Research Reserve (NERR)
Beth Thomas	Education Coordinator, North Inlet, Winyah Bay (NIWB) NERR
Jeff Pollock	Coastal Training Program, NIWB NERR
Charlie Zemp,	ACE Basin NERR Biologist and On-Site Manager
Hank Johnston	Mayor, Bluffton
Wes Jones	Coastal Futures Chair
Bill Marscher	Beaufort SAMP
Keith Kinnard	Appellate Panel
Duncan Newkirk	Newkirk Environmental, Inc.
Robert Boyes	Department of Natural Resources (DNR), Deputy Director for Marine Resources
Barry Jurs	DNR

Carl Di Pace	Shrimpers Association
Jimmy Chandler	Attorney, South Carolina Environmental Law Project
Amy Armstrong	Attorney, South Carolina Environmental Law Project
Patrick Moore	Law Clerk, South Carolina Environmental Law Project
Linwood Altman	Realtor
Hobie Kraner	Murrells Inlet SAMP
Vernon Knox	Mayor, Folly Beach
Toni Connor Rooks	Folly Beach Town Manager

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PERSONS ATTENDING THE PUBLIC MEETING*

The Public Meeting was held on July 19, 2004, at 5:00 p.m. at the DHEC Office of Coastal Resource Management, 1362 McMillan Avenue, 3rd Floor Conference Room, North Charleston, South Carolina.

Attendees:

Pat Christen*	684 Port Circle, Charleston, S.C. 29412
Wilson Gautreaux*	437 Rice Field Cove, Mt. Pleasant, S.C. 29464
Doug Springer*	726 Creeks Edge, Charleston, S.C. 29412
Carl DiPace*	2060 Edisto Drive, Charleston, S.C. 29412
Doug Patterson*	739 Creeks Edge, Charleston, S.C. 29412
David Francer	731 Creeks Edge, Charleston, S.C. 29412
Mildred Francer	731 Creeks Edge, Charleston, S.C. 29412
Glenn Young*	

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WRITTEN COMMENT RECEIVED AND RESPONSE

Comments were received from:

Carl A. DiPace
SCSA Board Member
2060 Edisto Avenue
Charleston, SC 29412
843.762.2486
clambosc@aol.com

The comments dealt with the following issues:

1. Notification of permit activities.

"Under current SC Law, a shellfish lease holder must publish for three (3) consecutive weeks in a local newspaper in the county in which the activity is to take place or a paper having statewide circulation. These notices are very descriptive as to area size and boundaries. Realize that a very high percentage of what our shellfish leases perform can be seen as beneficial by virtue of required planting quotas. Healthy oyster beds provide habit for other fisheries and improve water quality, protect against wave energy, erosion and help to stabilize the critical zone. Current SC Law requires only one such notification for permits dealing with minor activities within the critical zone, i.e., docks, floats, bulkheads, walkways. Due to current construction methods and materials, it is my opinion these activities are for the most part detrimental to our coastal resources and small tidal creeks in particular. Notification should meet the same standards to include an accurate description of the approved project. Shellfish lease holders must be notified the same as adjacent property owners."

2. Contested case hearings.

"Current law requires a fee of \$200 be charged for a contested case hearing before a SC Administrative Law Judge. This fee is four (4) times the cost of a dock permit. This fee, along with costly legal representation is a financial hardship, which also is an unnecessary layer of bureaucracy on our judicial system. My recommendation would be upon review of the permit by the DHEC OCRM appellate board, the cases go before a SC Appellate Judge. I would like to include that all citizens of this state should have standing in these public trusted resources. Issues that must be addressed should include protection of

essential fish habitat as defined by the Magnuson-Stevens Fishery Conservation and Management Act of 1996 and also density, visibility, user fees, and liability.“

The comments concluded:

“I understand most of these issues must be handled within the state legislative process.“

Response:

The commenter is correct, the State legislative process is the correct way to address the above issues. SC OCRM is aware of these issues and is seeking their resolution.

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RESPONSE TO PREVIOUS FINDINGS

1. Leadership Role on Coastal Policy Issues -- Program Suggestions

(a) DHEC should continue to seek and affirm a dedicated policy advisory body for the coastal program as envisioned in the 1998 legislative proposal and, in the interim, DHEC and SCOCRM should take definitive steps to make more effective use of the Appellate Panel to formulate policy options and recommendations for consideration by the DHEC Board.

Response: The Council on Coastal Futures (as discussed below) has raised this issue; their final recommendation is still forthcoming. Other than the formal legal appeals process, formal guidance to achieve this recommendation has not been developed, although an informal, yet effective, process exists. As a matter of standing policy, staff seeks input and guidance on all coastal matters from the Panel before presenting to the DHEC Board for action. The Panel has also strengthened its level of knowledge by periodically holding joint meetings with the Marine Advisory Committee of the S.C. Department of Natural Resources.

(b) The SCCMP should conduct an assessment of current regulations, guidelines and permitting practices; identify areas in which changes may be needed to address emerging or problematic coastal development issues; and seek the changes necessary to position the program to deal with major issues associated with rapid development along the coast, particularly by making better use of existing avenues available to the program. One such avenue is the Coastal Enhancement Grant process under Section 309 of the CZMA.

Response: In 2002 OCRM began a comprehensive process to accomplish this objective. This effort was conveniently tied into the coastal program's 25th anniversary and called the Council on Coastal Futures. The Council is comprised of 19 members representing a broad spectrum of coastal interest and program customers. The kick off meeting was December 17, 2002. Among others subjects, the process was to address successes and failures or gaps of the program to date; public support and understanding of the program and its mission; develop partnerships and design a program review process to (a) improve understanding of coastal zone management, (b) increase communication with stakeholders, and (c) build support for the outcomes of the process; evaluate priority coastal issues; receive and consider input from stakeholders and the public; and recommend actions required to address the key issues. The Council completed its mission with the publication of its final report, Setting a New Course for the Coast, in May 2004.

(c) The SCCMP should explore and make better use of opportunities to engage stakeholders – local, state, Federal and non-governmental – in the review, debate and formulation of policies that affect South Carolina's coastal resources. The SCCMP should also explore ways to make better use of

opportunities within the current structure to resolve conflicts as early as possible, such as through more effective use of the dock master planning process, continued use of the SAMP process to bring stakeholders together at the local level, and workshops to focus on specific coastal management issues.

Response: The Council on Coastal Future described above also addressed these suggestions.

2. Critical support for Staffing and Programmatic Needs – Program Suggestions

DHEC should pursue every avenue to augment the financial resources available to the program, particularly for critical staffing needs and areas identified as priorities within the DHEC Strategic Plan, such as technical assistance to local governments. Specifically, DHEC should develop and submit to the legislature budget proposals that provide the coastal program with adequate staff, particularly in the Myrtle Beach office and the SCCMP's planning division. Furthermore, DHEC should seek other opportunities to increase State support for the coastal program and Federal support for activities that will strengthen the coastal program with regard to emerging issues.

Response: Strong efforts were made by DHEC and OCRM to accomplish this suggestion. However, State budget cuts in FY2001, FY2002 and FY2003 have effectively thwarted these efforts, not only affecting the coastal program but all State programs. OCRM lost 10 of 50 positions over the past 5-6 years due to State budget shortfall – the greatest impacts coming in the past three years. The most serious phase of this economic setback was not in evidence at the time of the 312 review. However, on a positive note, the program was successful in FY 2002-03 in getting fee increases for stormwater and critical area permits. These earned funds became available in July 2003 and efforts are underway to rebuild staff resources, although it will be a leaner staff with a reprogrammed workload. Four key positions were filled during the last six months and 2-3 are projected within the next six months, including the vacant and much missed public information director position.

3. Certification and Enforcement Program – Program Suggestions

(a) DHEC should augment staff support dedicated to implementing the permitting, certification and enforcement program of the SCCMP. DHEC, through SCOCRM, is encouraged to continue its positive steps toward improving the level of information available to the public for their consideration in formulating comments on proposed projects.

Response: The budget comments for Program Suggestion 2 above apply. A major improvement was the placing of all available information for critical area permits on our web page. Much of this information was not previously sent out via mailed public notices because of the bulk and costs. (See www.scdhec.gov/ocrm)

(b) The SCCMP is strongly encouraged to improve the level of information available to the public regarding permit applications and permit decisions, and to develop a mechanism to provide feedback to interested parties regarding their comments and the basis on which a decision was reached.

Response: Within the past year OCRM changed the process for public hearings to provide more information, both project specific and policy, as part of the introduction to the hearing. OCRM has recently re-evaluated and modified the permit decision document to provide better documentation on how a decision was reached, to document cumulative impacts and to monitor coastal indicators.

4. Integration Scientific Information with Management Decision-making Processes – Program Suggestion

The SCCMP should strengthen the integration of scientific information into decision-making by: (a) working with the NERRS and SC Sea Grant Consortium as conduits to and providers of scientific information that can be applied in coastal management decision-making and (b) strengthening the process by which it documents the consideration of cumulative impacts during permit and certification reviews.

Response: Additional effects are needed to better accomplish the (a) portion of this suggestion. An informal process exists but due to staff shortage and work loads over the past three years, a concerted effort has not been made. Cumulative impacts are addressed in 3.(b) above.

5. Program Visibility, Image, and Outreach to the Public – Program Suggestion

SCOCRM should provide a clear, comprehensive overview of the coastal program as it now exists by creating an up-to-date program summary/citizen's guide to reflect organizational and programmatic changes since the program's inception. This document should also provide an overview of other state and local jurisdictional authorities within the coastal zone and their relationship to resource protection, coastal development, and the coastal program.

Response: This was a product of the Council on Coastal Futures.

**South Carolina Coastal Program
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TABLE OF RECOMMENDATIONS

Evaluation Recommendations For: South Carolina
Evaluation Findings Issued: _____ (Date)

Number/Type of Recommendation		Recommendation Text	Required Date
Number	1	SC OCRM is commended on the work of the Council on Coastal Futures report and it is recommended that the report be used to guide SCCMP activities in the near and long term. In so doing, it is suggested that an oversight body be created to assure that the work anticipated by the report is carried forth. As a part of this a review of the permit review and issuance process to more adequately reflect what is actually being permitted should be carried out. It is suggested that on conditional and modified projects a letter should be sent to the applicant to require the modification of the permit application to reflect the change before there is approval of the permit. The use of mediation as a mechanism to resolve permit disputes and appeals is supported.	
Necessary Action			
Program Suggestion	X		
Number	2	The SCCMP should conduct an assessment of current regulations, guidelines, and permitting practices related to the installation of docks in State coastal waters. Development practices should also be a part of this review. Concurrently, a body of stakeholders should be assembled to develop an understanding of the issues surrounding private docks and to develop mechanisms to deal with the environmental consequences of the existing regulations.	
Necessary Action			
Program Suggestion	X		
Number	3	SC OCRM is encouraged to assess the impact of the loss of Federal jurisdiction over isolated wetlands in South Carolina, develop appropriate materials to educate the public regarding the issue, and develop appropriate freshwater wetland legislation for the consideration of the Governor and Legislature.	
Necessary Action			
Program Suggestion	X		
Number	4	SC OCRM is encouraged to continue to address the issues	

Necessary Action		surrounding the development of marsh islands.	
Program Suggestion	X		
Number	5	SC OCRM is encouraged to develop a strategy to expand information and outreach on SCCMP programs, practices, issues and opportunities. In so doing, the Council on Coastal Futures report should be one of the foundation documents of the strategy.	
Necessary Action			
Program Suggestion	X		
Number	6	SC OCRM should assess staffing needs to allocate support where necessary and assure full staffing to meet emerging information technology requirements in the regional offices as well as Charleston. Steps should be taken to assure coordination of project reviews within DHEC and with Federal and local partners where appropriate. A strategy to assure that institutional knowledge is not lost should be developed.	
Necessary Action			
Program Suggestion	X		